

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ERIC S. GARRISON,

No. C 07-06327 CW (PR)

Petitioner,

ORDER OF DISMISSAL WITHOUT
PREJUDICE

v.

SAN FRANCISCO COUNTY SUPERIOR
COURT,

Respondent.

Petitioner, a state prisoner, filed the present petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On February 11, 2008, mail directed to Petitioner by the Court was returned to the Clerk of the Court with a notation that it was undeliverable. To date, Petitioner has not updated his address with the Court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. See L.R. 3-11(a). The court may, without prejudice, dismiss a complaint when: (1) mail directed to the pro se party by the court has been returned to the court as not deliverable, and (2) the court fails to receive within sixty days of this return a

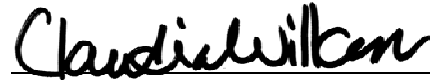
1 written communication from the pro se party indicating a current
2 address. See L.R. 3-11(b).

3 More than sixty days have passed since the mail directed to
4 Petitioner by the Court was returned as undeliverable. The Court
5 has not received a notice from Petitioner of a new address.
6 Accordingly, the petition is DISMISSED without prejudice pursuant
7 to Rule 3-11 of the Northern District Local Rules. Petitioner's
8 application to proceed in forma pauperis (docket no. 2) is DENIED
9 as incomplete.

10 The Clerk of the Court shall enter judgment in accordance with
11 this Order, terminate all pending motions, and close the file.

12 IT IS SO ORDERED.

13 Dated: 5/1/08



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ERIC S. GARRISON,
Plaintiff,

Case Number: CV07-06327 CW

CERTIFICATE OF SERVICE

v.

CA SUPERIOR COURT et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 1, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Eric S. Garrison
2338560
County Jail #5
P.O. Box 67
San Bruno, CA 94066

Dated: May 1, 2008

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California